

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 MAYNOR VILLANUEVA,

Case No. 2:15-cv-01481-JAD-PAL

4 Petitioner,

5 vs.

**Order Denying Pauper Application and
Dismissing Case Without Prejudice**6 BRIAN E. WILLIAMS, SR., *et al.*,

[#1]

7 Respondents.
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10 Pro se petitioner Maynor Villaneuva brings this habeas action to challenge the sentence he
11 received from the Nevada state court after pleading guilty to attempted murder with the use of a
12 deadly weapon.¹ He applies to this court to proceed *in forma pauperis*.²

13 This matter has not been properly commenced because petitioner submitted incomplete
14 financial paperwork. 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2 require petitioners to attach
15 both an inmate-account statement for the past six months and a properly executed financial
16 certificate to their *in forma pauperis* applications. Petitioner did not satisfy this requirement. He
17 failed to include a copy of his inmate-account statement and did not submit a financial certificate
18 signed by an authorized prison or jail officer. The absence of this documentation leaves the court
19 unable to determine the regularity and amount of any incoming funds and the extent to which
20 petitioner is making discretionary expenditures that should instead be applied to the filing fee for
21 this action.

22 Due to these defects, petitioner's application to proceed *in forma pauperis* [Doc. 1] is denied
23 and this case is dismissed without prejudice to the filing of a new petition in a new action with a
24 proper pauper application with all required attachments. It does not appear from the papers
25 presented that a dismissal without prejudice would result in a promptly filed new petition being
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27 ¹ Doc. 1-1 at 3.

28 ² Doc. 1.

1 untimely. The court cautions the petitioner that he remains at all times responsible for calculating
2 the running of the federal limitation period as applied to his case, properly commencing a
3 timely-filed federal habeas action, and properly exhausting his claims in the state courts.

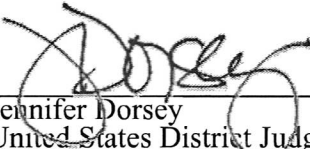
4 Accordingly, IT IS THEREFORE ORDERED that petitioner's application to proceed *in*
5 *forma pauperis* [Doc. 1] is **DENIED** and that **this action is DISMISSED WITHOUT**
6 **PREJUDICE** to the filing of a new petition in a new action with a properly completed pauper
7 application with all new and complete financial attachments. The Clerk of Court is directed to send
8 petitioner two copies each of an application form to proceed *in forma pauperis* for incarcerated
9 persons and a noncapital Section 2254 habeas petition form, one copy of the instructions for each
10 form, and a copy of the papers that he submitted in this action. Although petitioner may file a new
11 petition and *in forma pauperis* application in a new action, **petitioner may not file any more**
12 **documents in this case.**

13 IT IS FURTHER ORDERED that **a certificate of appealability is DENIED.** Reasonable
14 jurists would not find the dismissal of the improperly-commenced action without prejudice to be
15 debatable or wrong.

16 The Clerk of Court is instructed to close this case.

17 Dated this 7th day of August, 2015.

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Jennifer Dorsey
United States District Judge